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REPORT ON THE INVESTIGATION INTO ALLEGATIONS OF NEPOTISM AND PREFERENTIAL TREATMENT AT HEADINGLEY CORRECTIONAL INSTITUTION

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ADDENDUM

TO THE INVESTIGATION RE: NEPOTISM AND PREFERENTIAL TREATMENT AT HEADINGLEY CORRECTIONAL INSTITUTION

I have had the opportunity to read the report prepared by Mr. R. Cann regarding the above noted matter.

In addition I was involved in the investigation with Mr. Cann.

I find no fault in the investigative methods utilized by the Civil Service Commission and I essentially agree with the report and its conclusions.

Yours truly,

REPORT ON THE INVESTIGATION INTO ALLEGATIONS OF NEPOTISM AND PREFERENTIAL TREATMENT AT HEADINGLEY CORRECTIONAL INSTITUTION

INVESTIGATOR: Mr. Ronald Cann - Labour Relations Officer
Civil Service Commission

A) Background and the Allegations

Mr. Paul Hart, Civil Service Commissioner, received a letter, dated October 6, 1986, from Mr. Michael Mendelson, Deputy Minister of Community Services, which requested that a formal investigation be carried out by the Civil Service Commission in accordance with Section 5(1) of The Civil Service Act because of allegations of nepotism and preferential treatment given to certain employees at Headingley Correctional Institution. The Manitoba Government Employees' Association also requested involvement in this investigation, due to the nature of the subject matter.

Accordingly, the writer was appointed to conduct an investigation into allegations of nepotism and preferential treatment given to certain employees of Headingley Correctional Institution. I was assisted in this investigation by Mr. Paul Williamson, staff representative, Manitoba Government Employees' Association.

I should mention, for the record, that I have known Mr. Forester, the Superintendent of Headingley Correctional Institution, and the individual who is the focal point of the allegations, for approximately ten years, not only in various capacities in the Corrections field but also as a colleague

of mine in the Labour Relations Division, Civil Service Commission. Mr. Forester spent approximately three years as a Labour Relations Officer for the government prior to his most recent appointment as Superintendent of Headingley Correctional Institution in 1984. Consequently I have had, over the years, occasion to work with Mr. Forester in a number of areas relative to Labour Relations.

Considering the nature of this investigation, I am making this fact known at the outset, and I would hasten to add that my relationship with Mr. Forester had no bearing upon the manner in which the investigation was conducted or the conclusions pertaining thereto.

The Allegations with respect to this matter come by way of a Free Press Article dated October 5, 1986, (Appendix "A") rather than by way of a formal complaint to the Department or to the Civil Service Commission either by an employee, group of employees or the general public at large.

Mr. Williamson and myself decided that in order to act upon the allegations it would be necessary to hear first hand evidence from those individuals who either made such allegations to the Free Press, or who on the other hand were prepared, now that this matter is under investigation, to step forward with their specific allegations. To this end, a notice dated October 9, 1986 was given to all staff at Headingley Correctional Institution, which asked any employee who has "specific information regarding preferential or

discriminatory treatment shown to himself or others related to hiring, promotions and general working conditions" to please let Mr. Williamson or myself know. (Appendix "B"). A copy of this memorandum was also posted on various bulletin boards throughout the Institution, and a deadline of November 15, 1986 was set for the employees to contact us with specific allegations. It should be noted that the scope of the investigation was not restricted to hiring and promotional situations, but it also included the much wider application of general working conditions.

Several extraordinary steps, which would not normally be part of such an investigation, were taken to ensure that every opportunity was given to employees to come forward with the requested information and any allegations pertaining thereto. For example, both Mr. Williamson and myself included our residence telephone numbers in the notice so that employees could contact us at any time and we undertook to ensure that the anonymity of an employee who comes forward is protected, in the event he or she requests to remain anonymous.

In spite of the foregoing considerations, however, no employee contacted either Mr. Williamson or myself by November 15, 1986, being approximately one month after the notice was circulated to the employees.

At the request of Mr. Williamson we then decided to circulate on November 18, 1986, in a similar fashion to the initial notice, a follow-up notice to the employees of Headingley Correctional Institution "in order to ensure that all employees have had an opportunity to respond to this matter". (Appendix "C"). Employees were given a further time extension until November 27, 1986 to respond.

In this notice we had stated that "no employee has contacted us with respect to this matter which would lead us to conclude that such allegations are unfounded".

No employee, in spite of the foregoing statement, has contacted us with respect to this matter, either in response to the original notice or in response to the follow-up notice.

Therefore, since we did not receive any information or allegations from the employees with respect to this matter, there is, simply, nospecific allegation to investigate, which normally would result in the end of this investigation. However, in this case I don't think that matters can be dismissed along these lines. It appears certain employees have chosen, for reasons best know to themselves, to take their allegations of nepotism to the media rather than have them dealt with internally within government. The reputation of Headingley Correctional Institution, the Government, and

several of their fellow correctional officers has suffered by these actions. In my view this cannot be dismissed lightly.

Consequently, in order to put matters in their proper perspective regarding this issue, I will outline in some detail certain considerations from an employer perspective with respect to the allegations of nepotism at Headingley Correctional Institution. The mere fact that employees are related to each other and work in the same institution, is, in itself nothing that would cause undue concern, however, if such employees received their job due to these relationships or once employed received preferential treatment because of their relationships to each other then this circumstance would be cause for concern.

B) The Human Rights Act

It should be borne in mind, at all times, that an employer cannot discriminate with respect to hiring practices or promotional opportunities, based upon either the marital status or the family status of any of the applicants for a particular position of employment, for such discrimination is illegal under of The Human Rights Act. Therefore an applicant cannot be denied a position of employment simply because he or she is related to another individual in the employ of the employer.

Darlene Germschied, Executive Director of the Human Rights Commission, advised that in situations of a perceived conflict of interest based upon employment considerations resulting from an applicant's marital or family status, the employer may seek an opinion from the Human Rights Commission

staff regarding whether or not in their view a conflict would exist so as to prohibit the applicant from being hired or promoted. A selection decision that resulted in an individual being denied employment or promotional opportunity because of marital status or family status could be appealed to the Human Rights Commission in any event by the affected individual; however, Ms. Germschied advised further that in all likelihood if the facts remained the same, the Board of Commissioners would dismiss the appeal based upon the opinion of the Commission staff.

No such opinion was sought by the Department of Community Services from the Human Rights Commission in any hiring or promotional situations due to either the perception that no conflict exists, or as will be described later in this report, potential conflict of interest situations (at the Superintendent's level) were dealt with in a different fashion.

C) The Garson Report

In September of 1983 the Review Committee on Adult Corrections presented its report on Headingley Correctional Institution which outlined a number of concerns and problems to the Corrections ministry with respect to the administration of Headingley Correctional Institution and the Department of Corrections in general. This report became known as the "Garson Report", named after its chairman Mr. Graeme Garson, Q.C. The Garson report identified for the first time the issue of "family connections" as it related to hiring practices and promotional practices as exemplified by the following quotations from the report:

> "Family connections, it is suggested, have interfered with the fair hiring practices which are expected of the Civil Service and in addition, are perceived as having some implication for promotional opportunities on the floor. The MGEA has informed us that no grievances have been filed on either the issue of hiring or promoting staff according to "family connections" and that to the best of their knowledge the Corrections Division is no different than other departments on this issue. Yet the perception distinctly exists that interference of this nature has occurred and that it is a serious issue".[1]

and further:

> "Above all, family connections have interfered with the selection process and, it has been suggested, the promotional process. Administrative people as well as line staff, have indicated that promotions do not adhere to the principles of excellence, efficiency and abilities but rather to fealty."[2]

The Garson report does not provide any basis for the above circumstances which it described, with the consequence that the matter remains unsubstantiated and unproven in the report. Indeed the report notes the allegations by using such terms as "suggested" and "perception" in describing the situation, (which is not much different than the Winnipeg Free Press Article).

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1. Report on Headingley Correctional Institution, Review Committee on Adult Corrections, September 1983, p.27.

2. Ibid, p.60.

It is unfortunate that the "perception" contained in the Garson Report has not changed over the ensuing three years, for once again the issue has surfaced, similar to the Garson Report, as an unprovable allegation. Also similar to the Garson Report, no specific examples of nepotism or favouritism exist.

It should be noted that on January 17, 1984 the then Provincial Auditor, Mr. W. K. Ziprick, C.A., at the request of the Honourable Muriel Smith, Minister of Community Services and Corrections, conducted an audit pertaining to matters raised in the Garson Report. With respect to the Department's hiring practices the Auditor wrote the following in his report:

"3. Hiring Practices

Based on information made available to the Review Committee, a concern was expressed that the selection of candidates to be hired or promoted at the Institution was not completely impartial.

Our review has indicated that the selection of permanent staff follows a process which does reasonably ensure that staff selection and promotion is based on merit. The appropriate participation of impartial and trained personnel of the Personnel Management Services Branch of the Department was an operating requirement on selection boards. On a more recent basis this impartiality is ensured by both Personnel Services Branch and the Civil Service Commission representatives on the selection board.

In the area of hiring of part-time or full-time term staff it has previously been determined that the employing management operates with a significant degree of discretionary authority and as such, must take every precaution to be able to justify the selection made. Based on this knowledge we previously recommended that the Department initiate an expanded reporting mechanism between the employing office and its central Personnel Management Services Branch in respect to the hiring of term staff, which will document that the requirements for appropriate competition have been followed.

Subsequent to our recommendation, a significantly upgraded procedure now exists which requires the full participation of a Civil Service Commission representative and/or a representative of Personnel Management Services on the selection board for hiring of term staff or any change within the term position from part-time to full-time status."[3]

Consequently the provincial auditor found that safeguards were in place, in 1984, to ensure that impartiality was maintained in the selection process. These safeguards described above continue to be in place, and in addition, I am advised by the Personnel Services Division, Department of Community Services, that all vacancies at Headingley Correctional Institution, including casual vacancies, are filled by "bulletining" such vacancies with the consequence that a Personnel Officer of that division is a member of every selection board for a vacant position in the Institution. This would include both the hiring of new staff and the promotion of existing staff.

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3. Corrections Division - Headingley Correctional Institution: Audit Observations Report for the Year March 31, 1984, Office of the Provincial Auditor, March 1984 pp.3-4.

Therefore based not only upon the auditor's report in 1984, but also upon the existing selection procedures of the Department, I would conclude that every reasonable effort has been taken to maintain impartiality in the selection process by ensuring that a third member of every selection board is from outside of Headingley Correctional Institution. Given these circumstances no one at Headingley has unilateral hiring authority and therefore it is impossible for anyone employed at Headingley Correctional Institution to unilaterally hire or appoint a relative into any position of employment. It should also be borne in mind that very few employees are involved in the selection process as this is normally restricted to employees in senior positions within the institution. Therefore in most cases it is quite possible that an employee who is related to an applicant for a position would have no direct input whatsoever in the selection procedure.

D) The Selection Process at Headingley Correctional Institution

As mentioned, every position at Headingley Correctional Institution is bulletined to allow applications for the position from the interested individuals including the general public. As part of this process a selection board is established to hire (or promote) the most suitable candidate into the position. The selection board consists of three individuals, generally two people from Headingley Correctional Institution, and as previously described, an individual from the Personnel Services Division, Department of Community Services. These three individuals, using a variety of techniques then come to a consensus on which applicant should

be awarded the position. Therefore, in order to advance the hiring or promotion of a relative, an individual on the selection board would have to convince the other two members of the same board that regardless of the merits of the other candidates his relative should be appointed into the position.

There are further checks and balances in this system, as the Civil Service Commission staff may conduct an independent audit of any competition, and further, if one of the unsuccessful candidates appeals his non-selection for the position, the Civil Service Commission Board will conduct a hearing into that particular competition. Given all of these circumstances, including the fact that selection criteria would be shared with outside parties or agencies, it is very difficult to imagine an employee exerting such influence over these matters as to occasion the hiring of a relative on any other grounds than the merit principle.

Further, all members of the Selection Board are aware of the foregoing circumstances, at the time of the competition, in that their selection of a particular employee to a position may come under very close scrutiny by several independent parties not directly involved with Headingley Correctional Institution. Unless their selection can be properly justified they would run the risk of compromising their credibility with the employees by exerting undue influence in the selection process. This may result in a major labour relations problem, for any manager who compromises his credibility may quickly lose the respect of the workforce over which he is responsible.

Therefore, in my view, there are adequate checks and balances in the selection process to prevent any employee from influencing the selection of a relative to a position.

It should be noted, at this juncture, that not one employee has ever grieved or appealed the selection of a relative of another employee, to a position of employment at Headingley Correctional Institution. Clearly, if there was any foundation to these allegations in recent years, the grievance/appeal mechanism was available to any employee as a recourse and a redress for such a circumstance. It also should be noted that the only appeal by an employee was based upon the other side of the issue, as part of an employee's allegation in an appeal was that he was <u>not</u> promoted into a higher paid position in one of the correctional camps because his father worked at the camp. This appeal was dismissed by the Civil Service Commission Board due to a variety of reasons, however, the foregoing allegation could not be proven, and therefore it was not considered by the Commission.

Management of Headingley Correctional Institution has recently introduced an internal competition with respect to "day jobs" within a particular classification in order to avoid allegations of favouritism and also in order to introduce fairness as much as possible into the selection of employees for these positions which are perceived as being "plumb jobs" primarily because no shift work is involved in them. This system has been apparently well received by the employees, and has effectively neutralized any negative perceptions which the employees may have had with respect to the awarding of day jobs by management.

I mention this particular matter only to illustrate the lengths that the present administration has gone to to ensure that all appointments are done fairly, with as much employee involvement as possible in the process. Management could have simply chosen to continue to unilaterally appoint employees to "day jobs" which would be within its rights, but rather it chose to allow its employees to compete for these jobs as well. This action does not strike me as being indicative of an administrative system which encourages and promotes nepotism.

E) Past Recruitment Situations at Headingley Correctional Institution

It should be borne in mind that not all employees (or relatives of employees) of Headingley Correctional Institution were hired in the recent past. Some have over thirty years service, when the economic times and the profile of the community of Headingley was far different than it is now.

Headingley of that time, as well as several years later, was viewed upon as a rural community, since it was located outside of the City of Winnipeg, detached from the employment opportunities the city afforded. Job opportunities in Headingley were primarily limited to employment at the correctional facility, so it was only natural that people who lived in the community would be drawn towards employment with the largest employer in that community. In this setting, considering the rural population base, it would not be uncommon to hire, over the years, husbands and wives and fathers and sons into the institution. Indeed, in my experience this is somewhat of a standard feature of rural institutions such as Hospitals and Correctional facilities, in that employment opportunities within the community are very often restricted to these institutions, because their recruitment base is in fact the community in which they are located.

From time to time in the past Headingley Correctional Institution has experienced difficulty in recruiting correctional officers, particularly during buoyant economic times such as in the 1970's, as high school graduates simply did not regard corrections as a positive career opportunity. Consequently it was not uncommon for the administration of the institution to ask the employees if they know of anyone who was looking for a job. These employees, in turn, would tell their friends and relatives of job opportunities at Headingley; and presumably several applied and where hired as a result of this situation.

The foregoing circumstances may account for, in my mind, why several employees who are related to each other are presently working together at Headingley Correctional Institution. I make no finding as to whether or not their initial hiring was due to nepotism, as this is not at issue. Since there are no allegations or evidence to the contrary I would conclude that their hiring was based upon their own merits even though they were related to an employee at the institution. There is no evidence to support any other inference. Of equal interest, but impossible to ascertain, is the number of candidates over the years who were related to employees of the institution and failed to secure employment. Yet another factor to take into consideration is that it is quite possible at the time of hire a candidate did not disclose his relationship to other employees since such disclosure is not mandatory, so that the employer would be unaware of any "family connection" that may have existed.

The Department investigated the employment history of the employees mentioned in the Free Press Article (Appendix "A") and in a memorandum to the writer from Miss L. Belanger, Personnel Administrator, Department of Community Services, the following information was established: (Appendix "D")

> "In addition of the sixty names listed in the article, thirteen are not currently employees (many of these have long since resigned); two were hired between 1955 and 1959; eleven were hired between 1960 and 1969; twenty-four were hired between 1970 and 1979; and ten were hired since 1980. As you can see, many of the employees mentioned have therefore been in Corrections a very long time."

Therefore this Article does not deal with the current situation as it infers, but by implication calls into question selection processes that may have been in place at Headingley some thirty years ago. This is very simply in my view unwarranted and unfair. I will return, however, to this Article later on in this report.

In any event, as discussed previously, the mechanisms now in place act as an effective deterrent in my opinion, against the possibility of nepotism existing in hiring and promotional opportunities. The level of formality regarding the selection process is comprehensive - Selection Board, Independent Audit, Appeal to the Civil Service Commission, and a formal hearing at which time a member of the selection board could be cross-examined all contribute effectively to ensure that any particular hiring or promotion is done fairly and without bias.

F) The Present Superintendent - Mr. R. Forester

Mr. Forester was hired as superintendent of Headingley Correctional Institution in the spring of 1984. Mr. Forester had been previously superintendent of Headingley Correctional Institution but he had left for personal reasons to join the Civil Service Commission. He had been employed in a variety of positions within Corrections over the years and consequently

he possessed a wealth of knowledge in the corrections field as well as the labour relations/personnel field. He was a proven effective administrator. Headingley Correctional Institution was experiencing acute management difficulties in the spring of 1984, with the consequence that Mr.Forester was approached by senior management officials in Corrections who asked him if he would be interested in returning to his former position as Superintendent of Headingley Correctional Institution. Mr. Forester, of course, accepted.

It has been common knowledge for some time to several people including Dr. John Bock, Assistant Deputy Minister, Department of Community Services who participated in hiring Mr. Forester, that he was related to several employees at Headingley which included his father-in-law and his brother-in-law. This matter was never an issue and something that Mr. Forester has always been open about. I would, however, emphasize that the evidence is that Mr. Forester was hired for his management skills not because of his family relationships. It is unusual to suggest he was hired as Head of the Institution because of the influence of his relatives who work several levels below him in the Institutional hierarchy.

On or about the time of Mr. Forester's appointment as Superintendent, the government developed a Conflict of Interest Policy which states in part:

> "Employees should not act in any official matter where there is a personal interest which is incompatible with an unbiased exercise of official judgement".[4]
>
> and further:
>
> "Employees shall not place themselves in a position where they are under obligation to any person or organization who might benefit from improper consideration or favour on their part or seek in anyway to gain improper treatment from them in the discharge of their official duties and responsibilities."[5]

The conflict of interest policy requires employees to disclose "any situation or matter where they have a conflict of interest or the foreseeable potential for a conflict of interest."[6]

On May 1, 1984 Mr. Forester complied with this policy by disclosing in a letter to Dr. John Bock a potential conflict of interest as a result of his relationship to Mr. S. Markus (his father-in-law) and Mr. E. Markus (his brother-in-law) (Appendix "E"). Besides disclosing his relationship to these individuals Mr. Forester adds the following:

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4. Conflict of Interest Policy for Manitoba Government Employees, A Pamphlet, p.2 item 3.
5. Ibid., p.2, Item 5.
6. Ibid., p.3.

"While I was Superintendent of Headingley in 1981, I made this situation known to Doug Lawrence, then Director of Adult Corrections. He expressed no concerns and expected me to use good judgement in the matter.

I would propose that I not deal with either individual on any matter respecting promotion, advancement, work assignment or discipline. Such personnel decisions should be addressed by an Assistant Superintendent, the Deputy Superintendent or the Director of Adult Corrections as the occasion requires. For my part, I will not interfere or influence in any way the treatment these individuals receive as employees of the institution.

This is precisely the manner in which I handled the situation in 1981 and which was thoroughly explained to my Director and suborinate managers at the institution then. To my knowledge, no problems were experienced or perceived then or thereafter."

Since Mr. Forester has been Superintendent there has been three competitions involving Mr. Forester's relatives; two separate competitions involving Mr. E. Marcus and one competition involving Mr. S. Halbert, a brother-in-law to Mr. Forester's father-in-law.

On the first occasion involving Mr. Marcus, in August 1984, Mr. Forester sat on the selection board with respect to this competition for a Correctional Officer 2 position as there was at that time a shortage of senior managers and Mr. Forester's involvement was needed for a quorum. In keeping with Mr. Forester's position with respect to conflict of interest situations described in his letter, Mr. Forester disqualified himself from the selection board relative to his brother-in-law's candidacy and he consequently did not participate in any ratings or interviews with Mr. Marcus. Mr. Marcus did not get the position. At a further point in time Mr. Marcus applied for another Correctional Officer 2 position, however, Mr. Forester was not part of this selection board. The end result was that Mr. Marcus still was not awarded the position.

In addition, as mentioned, Mr. Forester sat on the selection board with respect to a Correctional Officer 4 competition involving Mr. S. Halbert. Mr. Forester disqualified himself from Mr. Halbert's candidacy in the same fashion as he did with respect to Mr. Marcus, and he did not participate in any ratings or interviews involving Mr. Halbert. Mr. Halbert was the successful candidate in this competition, which was subsequently reviewed by the Director of Adult Corrections who upheld the promotion.

Therefore, there is no evidence to suggest that these three competitions, involving Mr. Forester's relatives were influenced in any way by the fact that Mr. Forester was related to the candidate.

This investigation, up until now, has focused upon hiring and promotional practices to the exclusion of nepotism or favouritism in working conditions. During the course of the investigation, three areas of potential concern came to light regarding working conditions, although once again I would stress that no allegations with respect to working conditions actually exist.

The first area of concern involves security issues, as the perception exists that employees who are related to each other may compromise security situations because their judgement in matters affecting their relative could become "clouded" to the detriment of his fellow staff members because of the emotionalism of the issue from their point of view. This perception has been advanced from time to time and was alluded to in the Free Press Article. I discussed this perception with both Mr. Forester and Dr. Bock who advised me that if this were the case the affected employees would be immediately removed from any situation involving security issues, so that they would not have to deal with this issue. I would conclude, therefore, that this circumstance has already been dealt with in the abstract by senior corrections management, and it should not be an issue if the response given is carried out. Perhaps this position should be part of Headingley Correctional Institution's "standing orders" or "rules of procedure" in order to ensure that this perception has been effectively counter-acted by management.

The second area of concern involves Acting Status appointments. These appointments are made by management on a unilateral basis whereby an employee in a lower paid position is asked to take over the duties of a higher paid position for a short period of time. I am advised by Miss Lise Belanger, Personnel Administrator, Department of Community Services, that during Mr. Forester's superintendency at Headingley that there have been a total of 64 Acting Status appointments of which 17 involved relatives of employees. (Appendix "D"). I take no issue with these figures as they would appear to be reasonable considering the number of employees who are related to each other in the institution. However, because these appointments are made unilaterally by management, and because of the number of employees related to each other in the institution, the perception may exist that these appointments were made because of favouritism or nepotism rather than on their own merits. To counteract this perception, I would suggest that when Acting Status appointments are made that they can be rationalized to the employees in some fashion (eg. merit, seniority. etc.). I am not suggesting that a mini-competition be held in these situations, but only that the appointments meet the test of reasonableness and fairness to counteract, as mentioned, the perception of nepotism in this regard.

The third area of concern involves employees related to each other working on the same shift. I am advised by Mr. Forester that up until a year ago it was possible that employees related to each other worked on the same shift, and on occasion exercised supervisory authority over each other. However, with the advent of the twelve hour shift, in the Fall of 1985, which necessitated the rearranging of shift patterns, this situation very rarely,

if ever now exists. I would recommend that every effort be made to ensure that as much as reasonably possible employees who are related to each other do not work on the same shift, especially those employees who are blood relatives, such as father-son or brother. The reason for this recommendation I would think is obvious, to avoid any perception whatsoever that favouritism because of family connections exists as a working condition.

Mr. Forester has only dealt with one area with respect to discipline involving his relatives. Some years previously Mr. E. Markus received a written reprimand, and in 1984 he asked Mr. Forester if he could remove the reprimand from his file. In keeping with Mr. Forester's perception of a conflict of interest situation involving his relatives, he chose not to deal with this issue, but rather forwarded the request to Dr. J. Dragan, then Acting Director of Adult Corrections, for his consideration. (Appendix F).

I would conclude that Mr. Forester, based upon the evidence presented to me in this regard, has not acted in a favourable manner towards his relatives in the institution, and in fact he has gone out of his way to ensure that no perception exists in this area. He has anticipated the problem and disclosed at the outset, upon his return to Headingley Correctional Institution, a potential conflict of interest involving his relatives in accordance with Government Policy. He chose, when situations arose, to distance himself as much as possible from his relatives who were involved in a particular matter. These actions, very simply in my opinion, do not suggest that Mr. Forester is involved in or condones in any way nepotism or

preferential treatment at Headingley Correctional Institution.

G) The Winnipeg Free Press Newspaper Article Dated October 5, 1986

Matters with respect to Allegations of Nepotism and Preferential Treatment were brought to a head in the Winnipeg Free Press article dated October 5, 1986 (Exhibit "A"). This article named some sixty corrections employees who were related to each other, some of whom work at Headingley Correctional Institution and some of whom work elsewhere within the corrections system. The tone of the Article was negative towards these employees, infering that the only reason that they were employed in the corrections system was because of their "family connections". The Department, when this investigation was announced, criticized this Article by stating that in the Article staff were implicated by innuendo and has "no way of defending themselves from these public accusations". (Appendix "G"). In my view this criticism is not without foundation considering not only the fact that no employees came forward with their allegations when they were given ample opportunity to do so, but also the following statistical summary, extracted from Appendix "D".

This investigation has chosen to focus upon the time that Mr. Forester became Superintendant of Headingley Correctional Institution because it is reflective of the current situation at Headingley. Clearly, the import of any perception of nepotism would diminish with the passage of time, and

would not be relevant to the present situation because of the hiring practices as outlined in this report, as well as the employee's own performance which over a period of time would counter-balance any perception in this area.

Since April 1, 1984, being the approximate time Mr. Forester became Superintendent of Headingley Correctional Institution, there have been 189 separate personnel transactions. The individuals listed in the Free Press Article were cross-referenced against these 189 transactions, and it was found that out of the sixty employees mentioned 17 individuals were involved in 28 transactions. It should be noted, however, that not all of these sixty employees were employed at Headingley.

In the key area of promotions and new appointments (new hires) seven of the employees mentioned in the Article have been promoted out of a total of eighteen employees promoted during this time, while only one employee mentioned in this Article has been appointed to a position as a new hire out of a total of 54 new appointments. One employee, who placed thirteenth out of fifteen candidates who were hired at that time.

In my view these statistics do not support the position that nepotism or favouritism exists in hiring and promotions at Headingley Correctional Institution.

It is unfortunate that the Winnipeg Free Press chose to publish the names of those employees in the corrections system related to each other. There is no evidence to support the allegations and innuendo contained in the Free Press Article which has resulted in several dedicated career civil servants who have a spotless record of employment with the Province having the manner in which they were employed brought into question. There is no evidence, as mentioned, to suggest that these employees attained their status by any other means than competition and the merit principle; yet through this Article their careers have been needlessly brought into question. Employees who are related to each other are mentioned in the article who do not even work in the same institution. Certainly in this case any reference to nepotism in hiring is somewhat oblique and obscure since the individuals on the selection board would not even be influenced in theory by working in the same institution. Yet these employees, some of whom married each other after they gained employment in the corrections system are mentioned in the article merely because they are related to each other.

The author of this Article, by mentioning the names of the affected employees may have breached security because now it is common knowledge to inmates as well as the general public the interrelationships of the affected employees. One of the cardinal rules in work of this nature is to keep your personal life separate from your job, however, this rule has been jeopardized by the Article. The fact that various employee interrelationships are now known may constitute a security risk because the

potential exists for inmates to use this knowledge to their advantage in some fashion. In other words, employees may be running a greater risk in their work environment because of the publishing of this Article.

A free press is the cornerstone of any free society, however, in my view the public's right to know must be tempered with responsible action on the part of the press, otherwise its credibility and trust with the public which it serves will suffer immeasurably over a period of time. In this case the publishing of this Article by the Free Press has resulted in the affected employees' careers needlessly being called into question. This is a very high price to pay for publishing allegations which cannot be supported; for in effect creating the news rather than reporting the news. At best this action of the Winnipeg Free Press can only be described as irresponsible, they should have "looked before they lept".

H. The Employees Quoted in the Article

The employees who presumably alerted the Winnipeg Free Press to this story are quoted anonomously in the Article so that the veracity of these quotations remains untested. These employees, rather than dealing with their allegations of nepotism in a forum by bringing it to the employer's attention by way of complaint or grievance, chose instead to voice

their allegations to the media denying the employer the opportunity to investigate and explain the situation. There are several mechanisms in place to deal with this situation as part of the employee-employer relationship, namely through the Labour Management Committee, through the Grievance Procedure, or even through Joint Council. The employees could have also chose to raise these concerns informally with their employer. However, as mentioned earlier in this report, for reasons best known to themselves they chose not to proceed in the foregoing fashion.

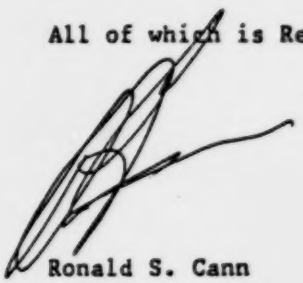
Generally speaking it has been held that a public sector employee must exercise restraint in dealing with issues sensitive to his employer. Arbitrators and court have held that the public's right to know must be balanced against the legitimate interests of the employer, as well as the fact that the employees before going public with their complaints must have exhausted all recourse to have their complaints dealt with by their employer. In this case the employees did not make their allegations known to the employer, nor even their union. What is worse is when the damage had been done and they were given the opportunity even anonomously to come forward with their allegations as a result of this investigation, they chose not to.

While nothing can be done of course to alleviate this situation now, it is nonetheless unfortunate that the employees chose to ignore the mechanisms that are in place which could have dealt with this matter, and chose instead to deal with the issue in a public forum.

I. CONCLUSION

Based on the fact that there are no allegations of nepotism to investigate, as well as the mechanisms currently in place at Headingley Correctional Institution to prevent nepotism or favouritism from occurring, I would conclude that any perception of nepotism is unfounded. I would caution the Department to remain sensitive to this issue, as the undercurrent, however unfounded, of nepotism may exist for some time; given the nature of the inter-relationships at Headingley. It is my hope however, that this report may help to dispel the perceptions of employees in this area with the consequence that once and for all the matter may be finally put to rest.

All of which is Respectfully Submitted



Ronald S. Cann

APPENDIX "13"

October 9, 1986

TO: ALL EMPLOYEES OF HEADINGLEY CORRECTIONAL INSTITUTION

SUBJECT: ALLEGATIONS OF NEPOTISM AT HEADINGLEY

On October 7, 1986 the Winnipeg Free Press ran a story claiming nepotism in hiring practices at Headingley. The story went on to list 62 persons who were related to each other within the Corrections Branch. The implication was that these persons had received preferential treatment as a result of their family connections.

The Department, in response to a request by the Superintendent, has asked that the Civil Service Commission, with the involvement of the MGEA, undertake a review of hiring and promotion practices in Corrections.

If you have specific information regarding preferential or discriminatory treatment shown to yourself or others, related to hiring, promotions and general working conditions, please let us know. All information will be investigated in detail and a report will be made of the results. We will respect anyone's wishes to remain anonymous.

If you have any information which would relate to this investigation, please contact one of the following prior to November 15, 1986:

Paul Williamson
Staff Representative
MGEA
360 McMillan Avenue
Phone: 477-1750 (Office)
774-9885 (Res.)

Ron Cann
Labour Relations Officer
Civil Service Commission
811 - 155 Carlton Street
Phone: 945-2166 (Office)
885-5606 (Res.)

c.c. Reg Forester
Shop Stewards - Please advise those employees who may not have access to the posted worksite notice.

APPENDIX "C"

TO: ALL EMPLOYEES OF HEADINGLEY CORRECTIONAL INSTITUTION

SUBJECT: ALLEGATIONS OF NEPOTISM AT HEADINGLEY CORRECTIONAL INSTITUTION

On October 9, 1986 you were advised that a review of hiring and promotion practices as well as general working conditions was being undertaken by the Civil Service Commission, with the involvement of the MGEA, in order to determine if allegations relating to nepotism in Corrections, as a result of an October 7, 1986 Winnipeg Free Press Article, was founded.

You were invited to contact one of the undersigned before November 15, 1986 if you had specific information regarding preferential or discriminatory treatment shown to yourself or others, related to hiring, promotions and general working conditions at Headingley Correctional Institution.

No employee has, to date, contacted us with respect to this matter, which would lead us to conclude that such allegations are unfounded.

However, in order to ensure that all employees have had an opportunity to respond to this matter, we would ask that if you have any information which would relate to this investigation to contact one of us before November 27, 1986.

Paul Williamson
Staff Representative
MGEA
360 McMillan Avenue
Phone: 477-1750 (office)
774-9885 (res.)

Ron Cann
Labour Relations Officer
Civil Service Commission
811 - 155 Carlton St.
Phone: 945-2166 (office)
885-5606 (res.)

Manitoba APPENDIX "D"

Memorandum

Date December 8, 1986

To Ron Cann
Staff Relations Officer
811 - 155 Carlton Street
Winnipeg, Manitoba

From Lise Belanger
Personnel Administrator
Community Services
270 Osborne Street North

Telephone 945-4556

Subject Headingley "Nepotism" Investigation

First | Fold

According to your instructions, our departmental MEIS cards, Earnings History Reports and Payroll Registers were examined to determine as closely as possible the number of personnel transactions which took place at Headingley Correctional Institution for the period between April 1, 1984 and September 30, 1986. Attached you will find a summary of the process and materials used in the file search. The information to which I can attest is that which is in some way reflected on the records contained in this office.

A brief summary of our findings is as follows:

Total number of personnel transactions April 1, 1984 - September 30, 1986	189

This figure is divided as follows:

Current Employees:

New appointments	54
Acting Status appointments	63
Conversion from term to Civil Service Status	24
Promotion upon reclassification	7
Promotion to another position	18
Transfers	3

Past Employees

New appointments	19
Acting Status	1

A quick cross-referencing was done between the names which surfaced as a result of the above-mentioned search and the sixty names which appeared in the Winnipeg Free Press article of Sunday, October 5, 1986. Seventeen names appeared on both lists and these seventeen account for twenty-eight transactions (of the total 189). There are approximately 250 employees (including casuals) working at the Institution.

Of the seventeen matches mentioned above, the transactions they were involved in were :

John Barbour	Term to Civil Service Status
Romko Bosma	Acting Status(1)
Robert Carruthers	Promotion
Reg Forrester	Promotion to Superintendent position from outside institution
Martin Godard	Acting Status(5) Promotion (1)
Stephen Halbert	Acting Status(5) Promotion (1)
Gordon Harding	Acting Status (1)
Dwight Lavineway	Acting Status (2)
Dennis Lemoine	Promotion to Deputy Superintendent from outside institution
Alex Nescefor	Term to Civil Service Status
Harold Puddifant	Acting Status (1)
Lawrence Sandney	Acting Status (1)
Charles Smith	Acting Status (1)
Chris Stansfield	New Appointment
Ben Waldman	Reclassification
Ron Willoughby	Promotion

Summary	
Conversions	3
New Appointment	1
Promotions	7
Acting Status	17

The only new appointment from this list is that of Chris Stansfield who was hired on June 2/84. He was hired as a result of competition #3016/84. Personnel Administrator Ralph Smith was present during the board interviews. Mr. Stansfield was one of fifteen candidates hired and was ranked thirteenth of the fifteen recommended for appointment.

In addititon, of the sixty names listed in the article, thirteen are not currently employees (many of these have long since resigned); two were hired between 1955 and 1959; eleven were hired between 1960 and 1969; twenty-four were hired between 1970 and 1979; and ten were hired since 1980. As you can see, many of the employees mentioned have therefore been in Corrections a very long time.

I hope this information is helpful to you. I have the back-up documents in my office should you require further detail.

Lise Belanger

Lise Belanger

LB/lm

c.c. L. MacCallum

PERSONAL & CONFIDENTIAL. APPENDIX "E"

May 1, 1984

Dr. John Beck,
A/ Assistant Deputy Minister,
Department of Community Services and Corrections

Potential Conflict of Interest Disclosure.

Dear John;

Pursuant to the Government's new Conflict of Interest Policy, I wish to make disclosure concerning an area of potential conflict of interest with regard to my assuming responsibility as Superintendent of Headingley Correctional Institution.

You may or may not be aware that I have two relatives working at Headingley. One, Mr. Sam Markus, is my father-in-law and is a Duty Officer. He has been employed many years in Corrections. The second, Mr. Ernie Markus, is a Correctional Officer I. He was hired by Headingley well prior to my arrival here as Superintendent in 1981.

While I was Superintendent of Headingley in 1981, I made this situation known to Doug Lawrence, then Director of Adult Corrections. He expressed no concerns and expected me to use good judgement in the matter.

I would propose that I not deal with either individual on any matter respecting promotion, advancement, work assignment or discipline. Such personnel decisions should be addressed by an Assistant Superintendent, the Deputy Superintendent or the Director of Adult Corrections as the occasion requires. For my part, I will not interfere or influence in any way the treatment these individuals receive as employees of the institution.

This is precisely the manner in which I handled the situation in 1981 and which was thoroughly explained to my Director and subordinate managers at the institution then. To my knowledge, no problems were experienced or perceived then or thereafter.

I trust that this proposal is satisfactory to you. If you wish any further information or have any direction or suggestions for me, please let me know.

Sincerely,

Reg Forester.

"Personal and Confidential"

APPENDIX "F"

June 7, 1984

Dr. J. Dragan
A/Director Adult Corrections
Bldg. 21, 139 Tuxedo Avenue
Winnipeg, Manitoba
R3N 0H6

Reg A. Forester
Superintendent
Headingley Correctional
Institution

Attached Request from 001 E. Markus

Attached you will find a request from Mr. Markus to have a written reprimand removed from his file. I would like to draw this matter to your level for review since Mr. Markus is my brother-in-law and such a review by myself would be a potential conflict of interest.

Prior to my appointment to Headingley, I made a conflict of interest disclosure statement to Dr. Bock (as per: new Government Policy regarding this issue) and was advised by Dr. Bock to raise such matters to the Director whenever a personnel-intervention issue arises.

RAF:el

Attachment

APPENDIX "G" PAGE 1

F. P. Oct 7/86 p. 1

Province to probe nepotism

By David Roberts

The province has ordered a review of the Corrections Department's hiring and promotion practices following staff allegations of nepotism.

Deputy corrections minister Michael Mendelson said he has asked the Civil Service Commission to investigate nepotism in the adult correctional system after a *Free Press* story Sunday detailed complaints by Headingley jail staff.

The story quoted some staff as saying morale and security are being jeopardized because a significant number of employees are related to each other.

The story listed the names of more than 60 department employees and former employees and their relationships to each other.

The Civil Service Commission probe will be a joint effort with the Manitoba Government Employees Association, which began looking into the allegations last week at the request of some guards.

Hiring review

Mendelson said commission investigators will review departmental hirings and promotions over the last few years to find out if any employees received preferential treatment because of family ties.

Mendelson said only a handful of those named were hired or promoted since 1983, when a provincial commission headed by lawyer Graeme Garson first identified the problem of family ties at Headingley.

The commission's report said staff felt the tradition of hiring family members interfered with fair hiring and promotions at the medium-security jail.

Mendelson said the probe will focus on Headingley, but could be expanded to include other provincial institutions, such as the Public Safety Building remand centre.

No deadline has been set for completing the review, but Mendelson said he wants a report and recommendations as soon as possible.

The review's findings will be made public, he added.

Guards contacted yesterday welcomed the nepotism probe, but said something has to be done about so many relatives working in the same department, no matter what the investigators find.

"That story has caused quite a stir," an officer said. "But it's really time something was done. It's about time the lid was blown off this thing."

The officer requested anonymity because Corrections staff take an oath which bars them from speaking

See STAFF page 4

APPENDIX "G" P2

p. 2

Staff 'implicated by innuendo,' officials suggest

continued from page 1

to the press.

Mendelson and MGEA official Paul Williamson yesterday criticized the *Free Press* for publishing the correctional employees' names.

"Both Corrections management and the MGEA feel staff have been unfairly implicated by innuendo," they said in a joint statement.

"Since our staff and membership have no way of defending themselves from these public accusations, we have requested that the Civil Service Commission and the MGEA immediately undertake a comprehensive review of hiring and promotion practices in the corrections branch in regard to the allegation of nepotism.

"This request results from joint consultation and a formal request from Reg Forester, superintendent of Headingley."

Forester is related by marriage to several other jail employees.

Mendelson said the probe may find more related staff members than the 62 named so far.

However, he noted that it's common in many parts of North America to have several members of a family working at the same jail. Headingley, with its semi-rural location, is no exception, he added.

Mendelson said the union has filed no official grievances about hiring practices.

Meanwhile, a second black Corrections officer at Headingley has filed a complaint alleging racial harassment by his peers, sources say.

James Jackson complained last week he received an unfair performance evaluation, and that staff and superiors have singled him out because of his race.

Jackson refused comment yesterday, citing his departmental oath.

However, two Corrections officers said Jackson's complaint names several staff members, including one who is a relative of Forester.

Earlier this year, black guard Cyril Okoye complained he had been the victim of racial harassment by fellow guards. Okoye has been away from work at full pay since an altercation with some guards last week.